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Attorney for Movant Non-party
TWITTER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In the Matter of a Subpoena to Non-party
Twitter, Inc.

AARON RICH

Plaintiff,

v.

EDWARD BUTOWSKY, MATTHEW
COUCH, AMERICA FIRST MEDIA,
and THE WASHINGTON TIMES,

Defendants.

Case No. 4:20-mc-80081-DMR

(D.C. Case No. 1:18-cv-00681-RJL)

**TWITTER, INC.'S RESPONSE TO
PLAINTIFF AARON RICH'S MOTION TO
SEAL**

Judge: Magistrate Judge Donna M. Ryu
Courtroom 4, 3rd Floor

1 Twitter, Inc. (“Twitter”) hereby responds to Plaintiff Aaron Rich’s (“Plaintiff”) Motion to
2 Seal (“Motion”). Plaintiff has not provided Twitter with unredacted copies of his Opposition and
3 supporting documents, so Twitter is unable to take a position on whether the documents should be
4 sealed.

5 However, Plaintiff’s Motion states that “Movant will serve unredacted versions of these
6 documents on Defendant Butowsky, as well as Counsel for Twitter Inc., once counsel for Twitter
7 provides a Declaration of Compliance, as is required under the Protective Order.” Dkt. 8 at 3.
8 Twitter cannot agree to sign the Declaration of Compliance because it requires Twitter to agree to
9 submit to the jurisdiction of the District Court for the District of Columbia for purposes of
10 enforcement of the Protective Order. *See* Dkt 9-6 at 17.

11 Twitter should not be required to submit to the jurisdiction of the District of Columbia to
12 receive documents in connection with its Motion to Quash. Any litigation relating to the Motion
13 to Quash must be done in the Northern District of California, the district where compliance with
14 Plaintiff’s subpoena is required. *See* Fed. R. Civ. P. 45(d)(3)(A)(iii); *Music Grp. Macao*
15 *Commercial Offshore Ltd. v. Does*, 82 F. Supp. 3d 979, 984 (N.D. Cal. 2015) (the Northern
16 District of California is the district where compliance is required for subpoena to Twitter for
17 anonymous user’s identifying information); *AngioScore, Inc. v. TriReme Med., Inc.*, No. 12-CV-
18 03393-YGR JSC, 2014 WL 6706873, at *1 (N.D. Cal. Nov. 25, 2014) (the “court where
19 compliance is required” under Fed. R. Civ. P. 45 has jurisdiction to quash a subpoena).

20 Accordingly, while Twitter cannot take a position on whether the materials are properly
21 sealed, Twitter files this Response to preserve its rights in connection with and objections to
22 Plaintiff’s position regarding the Declaration of Compliance.

1 DATED: May 18, 2020

PERKINS COIE LLP

2 By: /s/ Julie E. Schwartz

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